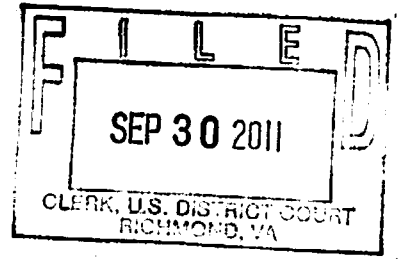


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



DONALD P. KECK, JR.,

Plaintiff,

v.

Civil Action No. 3:10cv555

COMMONWEALTH OF VIRGINIA,
et al.,

Defendants.

ORDER

By Order entered herein on February 8, 2011, the following motions were referred to Magistrate Judge M. Hannah Lauck for report and recommendation: (1) STATE DEFENDANTS' MOTION TO DISMISS (Docket No. 21); (2) DEFENDANT, TAMMY ESTEP'S MOTION TO DISMISS COMPLAINT (Docket No. 44); (3) MOTION TO DISMISS OF DEFENDANTS KAREN HARWICK, KEVIN BURCHAM AND GARY DURHAM (Docket No. 46); and (4) PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT (Docket No. 57). Also referred to Magistrate Judge Lauck were the PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT (Docket No. 79) and PLAINTIFF'S PETITION FOR MOTION TO JOIN/SUBSTITUTE PARTIES DEFENDANT (Docket No. 81).

Having reviewed the REPORT AND RECOMMENDATION of the Magistrate Judge (Docket No. 90) entered herein on September 9, 2011, the DEFENDANTS KAREN HARDWICK, KEVIN BURCHAM AND GARY DURHAM'S OBJECTION TO REPORT AND RECOMMENDATION (Docket No. 91) and the PLAINTIFF'S RESPONSE TO MAGISTRATE'S REPORT & RECOMMENDATION

(Docket No. 92), and having considered the record and the REPORT AND RECOMMENDATION and finding no error therein, it is hereby ORDERED that:

(1) The DEFENDANTS KAREN HARWICK, KEVIN BURCHAM AND GARY DURHAM'S OBJECTION TO REPORT AND RECOMMENDATION (Docket No. 91) are overruled;

(2) The PLAINTIFF'S RESPONSE TO MAGISTRATE'S REPORT & RECOMMENDATION (Docket No. 92) are overruled;

(3) The REPORT AND RECOMMENDATION of the Magistrate Judge is ADOPTED on the basis of the reasoning of the REPORT AND RECOMMENDATION;

(4) STATE DEFENDANTS' MOTION TO DISMISS (Docket No. 21) is granted;

(5) DEFENDANT, TAMMY ESTEP'S MOTION TO DISMISS COMPLAINT (Docket No. 44) is granted;

(6) The MOTION TO DISMISS OF DEFENDANTS KAREN HARWICK, KEVIN BURCHAM AND GARY DURHAM (Docket No. 46) is granted;

(7) The PLAINTIFF'S MOTION FOR LEAVE TO FILE AN AMENDED COMPLAINT (Docket No. 79) is denied;

(8) The PLAINTIFF'S PETITION FOR MOTION TO JOIN/SUBSTITUTE PARTIES DEFENDANT (Docket No. 81) is denied; and

(9) This action is dismissed without prejudice.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

This Order may be appealed by the Plaintiff. Any appeal from this decision must be taken by filing a written notice of appeal with the Clerk of the Court within thirty (30) days of the date of entry hereof. Failure to file a timely notice of appeal may result in the loss of the right to appeal.

The Clerk is directed to send a copy of this Order to the plaintiff and to counsel of record.

It is so ORDERED.

_____/s/ REP_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia
Date: September 30, 2011